

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JIMY J. PERALTA,

Plaintiff,

-against-

DOCTOR KHOURL.

Defendant.

ORDER

24-CV-02760 (PMH)

PHILIP M. HALPERN, United States District Judge:

Plaintiff, who is proceeding *pro se*, commenced this action against Defendant on April 10, 2024. (Doc. 1). Defendant's motion to dismiss the Complaint is currently pending. (Doc. 18). Pursuant to the briefing schedule set by the Court, Plaintiff's opposition was due October 7, 2024. (Doc. 16). Plaintiff did not file opposition papers. On December 17, 2024, the Court *sua sponte* extended Plaintiff's time to oppose the motion to January 16, 2025. (Doc. 24).

On January 15, 2025, the Court received via mail an amended complaint and letter from Plaintiff requesting that the Court "file and grant" the amended complaint. Plaintiff, in his proposed amended complaint, adds, among other things, "El Moackly" and a John Doe as defendants, as well as new allegations about Defendant Khouri. To the extent Plaintiff seeks leave to amend, that request is granted. *See Cuoco v. Moritsugu*, 222 F.3d 99, 112 (2d Cir. 2000). The amended complaint and Plaintiff's letter will be separately docketed.

Defendant Khouri, by February 7, 2025, shall (1) file an answer to the amended complaint; (2) file a new motion to dismiss in accordance with the Court's Individual Rules; or (3) file a letter with the Court stating that she intends to rely on the previously filed motion to dismiss (Doc. 18).

The Clerk of Court is respectfully directed to mail a copy of this Order to Plaintiff.

SO ORDERED.

Dated: White Plains, New York
January 17, 2025



PHILIP M. HALPERN
United States District Judge